Remarks

Claims 1-6, 8-10, 12-14, 16, and 18-20 are pending. Claims 7, 11, 15, and 17 have been cancelled herein. Independent claims 1, 6, 13, and 19 have been amended herein. The Examiner has objected to claim 11. Additionally, the Examiner has rejected claims 1-14 and 15-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,625,747 to Tawil et al.

I.   Claim Objections and Clarification of Previous Remarks

The Examiner has objected to claim 11 as being identical to claim 10. Applicants have cancelled claim 11 herein. Additionally, Applicants would like to note that in the Argument/Remarks previously submitted by the Applicants, the discussion of common assignment was meant to be directed toward the Tawil reference alone.

II.   Independent claims 1, 6, 13, and 19

The Examiner has rejected independent claims 1, 6, 13, and 19 as being anticipated by Tawil. Applicants respectfully submit that the cited reference does not anticipate the amended claims. Tawil standing alone does not contain each and every element of the claimed invention and, as such, the reference cannot anticipate the amended claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)); Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the . . . claim."). In particular, Tawil fails to show at least one aspect present in independent claims 1, 6, 13, and 19, namely a table of available storage paths between a server and a storage unit.

The present invention is directed to failover protocol in storage area network controllers involving selecting an alternate storage path to replace a failed storage path. (Abstract) In particular, part of the protocol for identifying alternate paths for accessing each storage unit involves building a record (such as a table) of the available paths for accessing each storage unit. (Spec., [0015], Fig. 2)

In contrast, Tawil fails to teach or disclose a table of available storage paths between a server and a storage unit. The Examiner refers to passages in columns 2, 3, 6, and 7 of Tawil as teaching the required claim element. The passages of columns 2 and 3 discuss assigning a first and second controller (associated with a common storage device) the same common worldwide node name, thus associating or pairing the controllers, in order to reroute a data request that has failed. (Tawil, col. 2, line 49 - col. 3, line 15) Assigning a common name to two controllers does not teach or disclose, in any manner, a table of available storage paths between a server and a storage unit. Additionally, the passages of columns 6 and 7 discuss caching data in a controller prior to transferring the data to a storage device. The data in question is data that is to be stored in a storage device, and this is not the same as a table of available storage paths between a server and a storage unit. Tawil fails to teach or disclose a table (or database, inquiry page, or storage of any type) containing available storage paths between a server and a storage unit.

Additionally, Applicants note that in the Office Action dated March 27, 2006, Examiner Fox noted that Tawil alone fails to teach or disclose each and every single element of independent claims 1, 6, and 19. With respect to independent claim 1, Examiner Fox noted that Tawil fails to teach selecting an alternate storage path that does not include the storage controller of the existing storage path. (OA 3/27/06, p.4) With respect to independent claim 6, Examiner

Fox noted that Tawil fails to teach that the alternate path does not include the storage controller of the first selected storage path. (OA 3/27/06, p.6). With respect to independent claim 19, Examiner Fox noted that Tawil fails to teach switching from a default storage path. (OA 3/27/06, p.13). Finally, Examiner Fox noted that Tawil fails to teach a table of available storage paths between a server and a storage unit, as required by amended independent claims 1, 6, 13, and 19. (OA 3/27/06, p. 7 and p. 9)

Tawil standing alone does not contain each and every element of the claimed invention and, as such, the reference cannot anticipate the independent claims, as amended. Applicants contend that independent claims 1, 6, 13, and 19 are allowable and respectfully request that the Examiner withdraw the rejection of these claims.
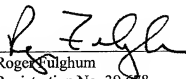
III.   Dependent claims 2-5, 8-10, 12, 14, 16, 18, and 20

Dependent claims 2-5, 8-10, 12, 14, 16, 18, and 20 will not be discussed individually herein, as they depend from otherwise allowable base claims.

Conclusion

Applicants respectfully submit that the rejection of claims 1-6, 8-10, 12-14, 16, and 18-20 should be withdrawn and that these claims should be passed to issuance.

Respectfully submitted,

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